

AMENDED IN SENATE JUNE 2, 2009

AMENDED IN ASSEMBLY APRIL 14, 2009

AMENDED IN ASSEMBLY MARCH 25, 2009

CALIFORNIA LEGISLATURE—2009–10 REGULAR SESSION

ASSEMBLY BILL

No. 224

Introduced by Assembly Member Portantino

(Coauthors: ~~Assembly Members Blumenfield, Brownley, Carter, Huffman, Krekorian, Ruskin, Salas, and Solorio~~)

(Coauthor: ~~Senator DeSaulnier~~ Coauthors: *Senators Correa and Negrete McLeod*)

February 4, 2009

~~An act to add Section 66020 to the Education Code, relating to postsecondary education. An act to add and repeal Section 18005 of the Government Code, relating to state employment, and declaring the urgency thereof, to take effect immediately.~~

LEGISLATIVE COUNSEL'S DIGEST

AB 224, as amended, Portantino. ~~Postsecondary education: public meetings. State employment: salary freeze.~~

Existing law requires the Department of Personnel Administration to establish and adjust salary ranges for each class of position in the state civil service, subject to specified merit limits. Existing law requires the salary range to be based on the principle that like salaries shall be paid for comparable duties and responsibilities. Existing law allows the state to enter into memoranda of understanding relating to employer-employee relations with employee organizations representing certain state employees.

This bill would make findings and declarations regarding the budget deficit facing the state. The bill would, until 24 months after these provisions take effect, prohibit a person employed by the state whose base salary on or after the effective date of the bill is greater than \$150,000 per year from receiving a salary increase while employed in the same position or classification, and from receiving a bonus or other compensation in excess of that person's base salary. The bill would exempt from this prohibition a person whose compensation is governed by an operative memorandum of understanding, as described above, a person who has been exempted by executive order of the Governor, as specified, and a person whose salary is set pursuant to the California Constitution.

This bill would declare that it is to take effect immediately as an urgency statute.

~~Existing law, intended to strengthen existing accountability requirements, requires the California Postsecondary Education Commission, each November 15, to submit a higher education report to the Legislature and the Governor which provides information to the citizens of the state on the significant indicators of performance of the public colleges and universities.~~

~~This bill would require the Board of Governors of the California Community Colleges, the Board of Trustees of the California State University, the California Postsecondary Education Commission, and the Student Aid Commission, including any auxiliary organization, as defined, to make available on the Internet a live audio broadcast of each of its meetings that is open to the public. The bill would provide that it is not a violation of these requirements if a technical failure prevents the broadcast. This bill would also request that the Regents of the University of California comply with these provisions.~~

Vote: ~~majority~~^{2/3}. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

- 1 SECTION 1. Section 18005 is added to the Government Code,
- 2 to read:
- 3 18005. (a) The Legislature finds and declares all of the
- 4 following:

1 (1) For several years, the State of California has faced budget
2 deficits requiring cuts and changes in priorities in order to fund
3 state activities.

4 (2) In recent months, the United States economy has been dealt
5 severe blows due to the credit crisis and the housing market crisis,
6 and their resulting effects upon the financial markets.

7 (3) The ongoing structural deficit in state finances, complicated
8 by worsening economic developments, has created a fiscal crisis
9 in the governance of the state.

10 (4) After a nearly three-month deadlock, the Legislature passed
11 the \$103.4 billion Budget Act of 2008 that addressed a \$15.2 billion
12 budget shortfall.

13 (5) As the new fiscal year begins, the state is once again facing
14 a large budget shortfall. In the third quarter of 2008, the state took
15 in \$1.1 billion less than projected. Economic conditions, including
16 declining property values and stock prices and soaring
17 unemployment rates, have generated capital losses rather than
18 capital gains and reduced sales tax, property tax, and income tax
19 revenues. These conditions have been estimated to lead to a
20 minimum of an \$8 billion budget deficit entering the 2009–10
21 budget year.

22 (6) In addition, the state may be required to spend as much as
23 \$3.5 billion during the 2008–09 fiscal year on prison health care.

24 (7) Freezing certain state salaries will help alleviate the budget
25 shortfall currently facing the state.

26 (8) Any state agency that receives moneys from the American
27 Recovery and Reinvestment Act of 2009 (Public Law 111-5) should
28 not be allowed to use those moneys to increase the salaries of
29 employees whose base salary is greater than the amount specified
30 in subdivision (b).

31 (b) Except as provided in subdivision (c), a person employed
32 by the state whose base salary on or after the effective date of this
33 section is greater than one hundred fifty thousand dollars
34 (\$150,000) per year shall not receive either of the following:

35 (1) A salary increase while employed in the same position or
36 classification.

37 (2) A bonus or other compensation in excess of that person's
38 base salary.

39 (c) Subdivision (b) shall not apply to any of the following:

1 (1) A person whose base salary or other compensation is
2 governed by an operative memorandum of understanding entered
3 into pursuant to Chapter 10.3 (commencing with Section 3512) or
4 Chapter 12 (commencing with Section 3560) of Division 4 of Title
5 1, or pursuant to another collective bargaining agreement.

6 (2) A person employed in a classification that has been
7 designated by the Governor to be necessary for protecting the
8 safety and security of the people of California. The Governor shall
9 make such a designation only by an executive order that lists the
10 name of each individual to whom the order applies, his or her job
11 classification, and the reason for exempting the individual from
12 the requirements of subdivision (a).

13 (3) A person whose salary is set pursuant to the California
14 Constitution.

15 (d) For the purposes of this section, a “person employed by the
16 state” means a person employed by the executive, legislative, or
17 judicial branch of state government, an appointee to a state board
18 or commission, and a person employed by the California State
19 University system.

20 (e) The Controller may reject a request for a disbursement of
21 funds that violates this section.

22 (f) The Legislature urges the Regents of the University of
23 California and the Board of Directors of the Hastings College of
24 the Law to adopt the policy expressed in this section for individuals
25 employed by those entities.

26 (g) This section shall not be enforced to the extent it is
27 preempted by federal law.

28 (h) This section shall become inoperative on the date that is 24
29 months after this section takes effect, and as of January 1 of the
30 following year is repealed, unless a later enacted statute that is
31 enacted before that date deletes or extends the dates on which it
32 becomes inoperative and is repealed.

33 SEC. 2. This act is an urgency statute necessary for the
34 immediate preservation of the public peace, health, or safety within
35 the meaning of Article IV of the Constitution and shall go into
36 immediate effect. The facts constituting the necessity are:

37 In order to ensure that savings from salary freezes are realized
38 at the earliest possible time, thereby helping to lessen the state
39 budget deficit, it is necessary that this act take effect immediately.

1 SECTION 1. ~~Section 66020 is added to the Education Code,~~
2 ~~to read:~~

3 ~~66020. (a) The Board of Governors of the California~~
4 ~~Community Colleges, the Board of Trustees of the California State~~
5 ~~University, the California Postsecondary Education Commission,~~
6 ~~and the Student Aid Commission, including any auxiliary~~
7 ~~organization established pursuant to Section 69522, shall make~~
8 ~~available on the Internet a live audio broadcast of each of its~~
9 ~~meetings that is open to the public. Notice of these meetings and~~
10 ~~links to the live audio broadcasts shall be easily accessible via each~~
11 ~~entity's Internet Web site. The Regents of the University of~~
12 ~~California are requested to comply with these provisions.~~

13 ~~(b) It is not a violation of this section if technical failures prevent~~
14 ~~the entity from making a live audio broadcast available so long as~~
15 ~~the entity exercised reasonable diligence in making a live audio~~
16 ~~broadcast available.~~